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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/664,424

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Ching Cheng Chen

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08/09/2005

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EXAMINER

LIEU, JULIE BICHNGOC

ART UNIT

PAPER NUMBER

2636

DATE MAILED: 08/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/664,424	<b>Applicant(s)</b> CHEN, CHING CHENG	
	<b>Examiner</b> Julie Lieu	<b>Art Unit</b> 2636	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 April 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This Office action is in response to Applicant's amendment filed April 11, 2005. Claim 2 has been amended.

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

### ***Claim Rejections - 35 USC § 103***

3. Claims 1-5 are gain rejected under 35 U.S.C. 103(a) as being unpatentable over Bently (US Patent No. 6,775,523)

#### **Claims 1 and 3:**

Bently discloses a pushbutton doorbell activator (see fig. 3) for remotely activating a doorbell chime by transmitting a radio frequency signal to a receiver associated with the doorbell chime. The doorbell activator comprises a radio frequency transmitter circuit 10 including an antenna 32 (fig. 4) for transmitting the signal, a pushbutton 12 for activating the transmitter circuit 10, a non-metallic casing 18 carrying said transmitter circuit and the antenna, a metallic housing 14, 16 partially encasing the casing 18. The housing including first and second opposing parts 14a and 16, the parts spaced from each other to form a gap (section between 14a and 16 including 18 and 24), the pushbutton 12 interposed between the first and second housing parts 14a and 16 in said gap. The antenna 32 is aligned with said gap (see fig. 4).

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The housing parts 14a and 16 are not equal halves of the housing. Nonetheless, it appears that parts 14a and 16 are functionally well as the claimed two halves of the housing.

Though push bar 12 in Bently is a metallic, it would have been obvious to one skilled in the art to modify the circuit in Bently and use a non-metallic push bar or push button made of silicone rubber as desired because the function of the device would not thereby be modified. The non-metallic casing 18 is made of rubber or other insulating material. See [0029].

Claim 2:

The pushbutton 12 in Bently does not include a pair of oppositely located extension parts located on opposite sides of the housing between the housing parts in the gap. However, it would have been obvious to one skilled in the art the pushbutton 12 is functionally equivalent as to function as an activator to provide activation signal.

Claim 4:

The doorbell activator in Bently inherent has a rear mounting plate (col. 3, lines 6-13). The mounting plate securable to a mounting surface, said mounting plate connected to the casing.

Claim 5:

The device in Bently further comprises a gasket seal 20 between the mounting plate and said casing. Col. 3, lines 6-13.

4. Applicant's arguments filed 4/1/05 have been fully considered but they are not persuasive.

***Applicant's Remarks***

**Argument 1:**

The applicant has argued that the non-metallic push button of the present invention serves two functions as an activator and separator to improve transmission while a non-metallic button is unnecessary in Bently and would be counterproductive to the use of spacer 18.

**Argument 2:**

Regarding claim 2, the applicant has submitted that the push button includes a pair of oppositely located extension parts which are located on opposite sides of the housing. Thus, the extension parts form a part of the spacer between the half. This is not disclosed or shown in Bently and therefore claim 2 would not be obvious over Bently.

***Response to Applicant's Remarks***

**Response to Argument 1:**

It appears that the push button in the present invention serves as an activator; however, unlike the applicant's submission that the non-metallic push button of the present invention also serves separator to improve transmission, it appears from the drawings that the push button does not serve as separator to improve transmission because pushbutton does not separate the antenna from other components,

Regarding the applicant's assertion that a non-metallic button is unnecessary in Bently and would be counterproductive to the use of spacer 18, it is submitted that while it might be unnecessary to use a non-metallic button, it does not mean that the claimed non-metallic would not be obvious over the prior art. The use of the material is only a choice in design. Since Bently uses a metallic housing for decorative purpose, the reference suggests the use of metallic push button just for aesthetic reason, e.g. to match the button with the housing.

The applicant's argument is thus not deemed persuasive.

Response to Argument 2:

Refer to the rejection of claim 2 above as a response to the argument.

***Conclusion***

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julie Lieu whose telephone number is 571-272-2978. The examiner can normally be reached on MaxiFlex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Hofsass can be reached on 571-272-2981. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Julie Lieu', with a long horizontal flourish extending to the right.

Julie Lieu  
Primary Examiner  
Art Unit 2636

Jul 29, 05